

ENTERED

October 19, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

AHMED M SALEH,

Plaintiff,

VS.

WERNER ENTERPRISES, INC., *et al.*,

Defendants.

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CIVIL ACTION NO. 5:18-CV-26

MEMORANDUM

Before the Court is the Parties' Motion to Dismiss with Prejudice (Dkt. No. 13). Parties in a civil suit may generally dismiss the suit without a court order upon the filing of a stipulation of dismissal "signed by all parties who have appeared." FED. R. CIV. P. 41(a)(1)(A)(ii). This general rule is subject to limitations in class action suits, shareholder derivative suits, and suits where the court has appointed a receiver. *See* FED. R. CIV. P. 41(a). None of those limitations apply here.

Because the filing is signed by all parties who have appeared in this case, the "voluntary order of dismissal requested by both parties [was] effective upon filing," and all of Plaintiffs' claims were dismissed with prejudice at that time. *SmallBizPros, Inc. v. MacDonald*, 618 F.3d 458, 463 (5th Cir. 2010); *see id.* ("Because filing a voluntary stipulation of dismissal . . . is effective immediately, any action by the district court after the filing of such a stipulation can have no force or effect because the matter has already been dismissed by the parties themselves without any court action.").

The Clerk of Court is hereby directed to **CLOSE** this case.

It is so **ORDERED**.

SIGNED October 18, 2018.



Marina Garcia Marmolejo
United States District Judge